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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,257	01/16/2002	Mutsumi Matsumoto	1341.1118	3568
21171	7590	06/21/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			GART, MATTHEW S	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/046,257	<b>Applicant(s)</b> MATSUMOTO, MUTSUMI	
	<b>Examiner</b> Matthew S. Gart	<b>Art Unit</b> 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Prosecution History Summary***

Claims 1-4 and 7-14 are pending in the instant application. Claims 1, 2, 7-10, 13 and 14 were amended via the applicant's response filed on 4/5/2006.

***Election/Restrictions***

The applicant's argument pursuant the restriction requirement set forth in the office action mailed on 12/05/2005 is persuasive. Claim 14 is hereby rejoined and fully examined for patentability under 37 CFR 1.104.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-4 and 7-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Moreno (Patent Application Publication No. 2002/0035515 A1).**

Referring to claim 1. Moreno discloses a method of managing delivery goods when directly delivering goods from a deliverer (Moreno: paragraph 0053, “Depending upon the vendor providing the goods/services, delivery may be obtained by a designated deliverer, by a commercial deliverer, or by another entity.”) to a location associated with a recipient (Moreno: paragraph 0053, “Next, the process continues with delivering the goods/service to the locker...” ) comprising:

- Receiving identification information for delivery goods entered by a deliverer when a recipient of the delivery goods is absent from the location (Moreno: paragraphs 0064 through 0065, “Upon arriving at the storage unit, the carrier appropriately provides the designated tracking code, access code, or other required verifications...”);
- Extracting delivery goods information and recipient information relevant to the delivery goods identification information from a storage unit which stores the

Art Unit: 3625

delivery goods information and the recipient information corresponding to the delivery goods information (Moreno: paragraph 0066, "Upon delivering /picking-up the goods and securing the locker, the system then notifies the server..."); and

- Notifying said recipient of the delivery goods information based on the recipient information while the recipient of the delivery goods is absent from the location, wherein the delivery goods information includes a message requesting the recipient to confirm as to whether the recipient approves or rejects delivery of the goods by the deliverer to the location associated with the recipient (Moreno: paragraph 0095, "Referring again to FIG. 6B, when a customer signs-in with the server, via a kiosk or otherwise (for example, via a remote connection established with a PDA, telephone or other device), and selects the Pick-Up Delivery button **604**, the server suitably identifies to the customer whether a signature is or is not required to accept the goods, as shown in FIG. 6C. Information about the carrier and/or the vendor providing the goods is also provided to the customer, in certain embodiments of the present invention. The customer may then appropriately 'sign' for the goods.... Based upon the requirements of the shipping arrangements specified by the vendor and/or the carrier, a refusal to provide a signature may result in the delivery to the customer being denied and access to the goods in the locker withheld until such signature is provided.").

Referring to claim 2. The limitations of claim 2 closely parallel those of claim 1.

Claim 2 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 3. Moreno further discloses a method of managing delivery goods, comprising:

- Further storing information for a deliverer corresponding to the delivery goods information in said storage unit and receiving the delivery goods identification information and reception approval/refusal information entered by said recipient (Moreno: paragraph 0097, "This screen **614** also enables a customer to refuse a delivery (for example, because the pizza is cold). When a delivery is refused, the server appropriately notifies the vendor and/or carrier responsible for such delivery and coordinates a pick-up of such goods by such vendor/carrier from the locker as necessary.");
- Extracting the deliverer information relevant to the delivery goods identification information from said storage unit', and notifying said deliverer of the reception approval/refusal information based on the deliverer information (Moreno: paragraph 0097).

Referring to claim 4. Moreno further discloses a method of managing delivery goods, comprising:

- Further storing information for a client corresponding to the delivery goods information in said storage unit, and extracting the delivery goods information

Art Unit: 3625

and client information relevant to the delivery goods identification from said storage unit (Moreno: paragraph 0095 through paragraph 0097); and

- Notifying said client of the reception approval/refusal information based on the client information (Moreno: paragraph 0095 through paragraph 0097).

Referring to claim 7. The limitations of claim 7 closely parallel those of claims 1-

4. Claim 7 is rejected under the same rationale as set forth above in claims 1-4.

Referring to claim 8. The limitations of claim 8 closely parallel those of claims 1-

4. Claim 8 is rejected under the same rationale as set forth above in claims 1-4.

Referring to claim 9. The limitations of claim 9 closely parallel those of claims 1-

4. Claim 9 is rejected under the same rationale as set forth above in claims 1-4.

Referring to claims 10-12. The limitations of claims 10-12 closely parallel those

of claims 1-4. Claims 10-12 are rejected under the same rationale as set forth above in claims 1-4.

Referring to claim 13. Moreno discloses a method in a data processing system

for managing the delivery of an item to a receiver comprising:

- Determining that delivery attempted to deliver an item to a receiver (Moreno: paragraph 0095 through paragraph 0097);

Art Unit: 3625

- Determining that the deliverer did not deliver the item because the deliverer could not get approval from the receiver (Moreno: paragraph 0095 through paragraph 0097);
- Notifying the receiver of the delivery attempt (Moreno: paragraph 0095 through paragraph 0097); and
- Determining whether the receiver approves or rejects delivery (Moreno: paragraph 0095 through paragraph 0097).

Referring to claim 14. The limitations of claim 14 closely parallel those of claims 1-4. Claim 14 is rejected under the same rationale as set forth above in claims 1-4. Moreno further discloses a method of operating a data processing system, wherein the user is registered (Moreno: paragraph 0057).



***Response to Arguments***

Applicant's arguments filed 4/05/2006 have been fully considered but they are not persuasive.

The applicants argue that Moreno does not teach requesting a recipient to confirm as to whether the recipient approves or rejects delivery of goods by the deliverer to a location associated with the recipient while the recipient is absent from the location.

The Examiner notes, Moreno discloses wherein a customer (i.e. recipient) signs-in with the server, via a kiosk or otherwise (for example, via a remote connection established with a PDA, telephone or other device). The server suitably identifies to the customer whether a signature is or is not required to accept the goods, as shown in FIG. 6C. Information about the carrier and/or the vendor providing the goods (i.e. deliverer) is also provided to the customer, in certain embodiments of the present invention. The customer may then appropriately "sign" for the goods. Based upon the requirements of the shipping arrangements specified by the vendor and/or the carrier, a refusal to provide a signature may result in the delivery to the customer being denied and access to the goods in the locker (i.e. location associated with a recipient) withheld until such signature is provided (Moreno: paragraph 0095).

The Examiner further notes, screen **614** enables a customer to refuse a delivery. When a delivery is refused, the server appropriately notifies the vendor and/or carrier

Art Unit: 3625

responsible for such delivery and coordinates a pick-up of such goods by such vendor/carrier from the locker as necessary (Moreno: paragraph 0097).

The applicants argue that Moreno does not teach details regarding goods that are delivered from a deliverer to a location associated with the recipient of the goods.

The Examiner notes, Moreno explicitly discloses a system and a process for securing goods delivered to and/or retrieved from a secure storage unit (Moreno: abstract), whereby the storage unit is a location associated with a recipient.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff SMith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MSG  
Primary Examiner  
June 12, 2006